

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

ERNEST SINGLETON,	)	CASE NO. 4: 20 CV 1914
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	<u>ORDER ADOPTING</u>
	)	<u>MAGISTRATE’S REPORT AND</u>
	)	<u>RECOMMENDATION</u>
WARDEN MARK WILLIAMS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Kathleen B. Burke. The Report and Recommendation (ECF # 10), issued on December 21, 2020, is hereby ADOPTED by this Court. Petitioner filed this action requesting a writ of habeus corpus pursuant to 28 U.S.C. §2241, alleging that his continued confinement violates his Fourteenth and Eighth Amendment rights due to their alleged failure to manage inmate health during the COVID-19 pandemic. He later filed a Motion to Dismiss the petition without prejudice. (ECF #9).

The Respondent in this case sought to have the Petitioner’s claims dismissed with prejudice based on various procedural and substantive arguments. Rather than respond to these arguments, Petitioner requested to voluntarily dismiss his petition without prejudice. The Respondent did not object. The Magistrate Judge properly analyzed the factors that the Sixth

Circuit has outlined for determining whether dismissal without prejudice is appropriate, and recommends that the petition be dismissed without prejudice. Neither party filed any objections to the Report and Recommendation, nonetheless, the Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999). The Magistrate's Report and Recommendation properly analyzes the law and the recommendation is supported by the record. This Court, therefore, adopts the Magistrate's Report in its entirety. The Motion to Dismiss without Prejudice is GRANTED. (ECF #9); and, the Petition is DISMISSED without prejudice. (ECF #1). IT IS SO ORDERED.

  
DONALD C. NUGENT  
United States District Judge

DATED: March 26, 2021